

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Jacobson

Patent No.: 7,231,668

Application No. 10/815,092

Issued: 12 June 2007

Title: NETWORK POLICY MANAGEMENT AND
EFFECTIVENESS SYSTEM

Attorney Ref. No.: 065426.0002

Examiner: N. Wright

Art Unit: 2134

09/11/2008 GARIAS 00000002 042223 7231668

PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY

Mail Stop Petition
Commissioner of Patents
Post Office Box 1450
Alexandria, Virginia 22313 1450

Dear Sir:

Applicant respectfully requests the Office grant this Petition for acceptance of an unintentionally delayed claim for priority. In support of her Petition, Applicant states as follows:

On 12 June 2007, U.S. Patent No. 7,231,668 ("the '668 Patent") issued. The '668 Patent issued on U.S. Patent Application No. 10/815,092 ("the '092 Application"), which was filed on 31 March 2004. Counsel of record at the time of the filing of the '092 Application was MOORE, HANSEN & SUMNER of Minneapolis, Minnesota. As part of the

given the fact that Applicant's counsel of record was not counsel of record throughout the prosecution of the '092 Application. As a result of Applicant's counsel's investigation, it has since come to the attention of Applicant's counsel of record that, although previous counsel of record indicated on the Utility Patent Transmittal Form (Exhibit A), that the '092 Application claims priority, as a Continuation, to what would eventually become the '701 Patent, a specific claim for priority in the '092 Application was unintentionally omitted.

Consequently, Applicant respectfully requests that the above-captioned U.S. Patent be amended to indicate that it is a Continuation Application, claiming priority to U.S. Patent No. 6,735,701. A copy of the '701 Patent is attached hereto as Exhibit H. Additionally, Applicant states that the entire delay between the time the claim for priority was due and today's date (i.e., the date this Petition is filed) is unintentional.

Further, Applicant understands that a surcharge under 37 CFR 1.17(t) is required with this Petition. This Fee may be charged to Deposit Account No. 042223. Further, any other fees relating to this Petition may also be charged to Deposit Account No. 042223.

In re Patent of: Jacobson
Patent No.: 7,231,668

Examiner: N. Wright
Art Unit: 2134

Please contact the undersigned Patentee's Attorney Of Record if there are any questions.

Respectfully submitted,

Date: 22 July 2008

/ Timothy M. Morella /

Timothy M. Morella
Reg. No. 45,277

DYKEMA GOSSETT PLLC
Ten South Wacker Drive
Chicago, Illinois 60606 7453
312 627 2592 (Voice)
312 627 2302 (Facsimile)

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ID\TMMO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Jacobson

Patent No.: 7,231,668

Application No. 10/815,092

Issued: 12 June 2007

Title: NETWORK POLICY MANAGEMENT AND
EFFECTIVENESS SYSTEM

Attorney Ref. No.: 065426.0002

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Art Unit: 2134

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Commissioner of Patents
Post Office Box 1450
Alexandria, Virginia 22313 1450

Dear Sir:

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On 12 June 2007, U.S. Patent No. 7,231,668 ("the '668 Patent") issued. The '668 Patent issued on U.S. Patent Application No. 10/815,092 ("the '092 Application"), which was filed on 31 March 2004. Counsel of record at the time of the filing of the '092 Application was MOORE, HANSEN & SUMNER of Minneapolis, Minnesota. As part of the

Not in the right place

filing of the '092 Application, MOORE, HANSEN & SUMNER included a Utility Patent Application Transmittal (attached hereto as Exhibit A), which indicated that the '092 Application is a Continuation Application of U.S. Patent Application No. 09/104,946 ("the '946 Application"), and, consequently, claims priority thereto. The '946 Application was filed on 25 June 1998 by MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT, also of Minneapolis, Minnesota.

Additionally indicated on the Utility Patent Application Transmittal was the notation that the Declaration of Inventorship was that from the '946 Application. A copy of the Declaration was also included with the initial filing of the '092 Application. This copy is attached hereto as Exhibit B.

Finally, also included with the initial filing of the '092 Application, MOORE, HANSEN & SUMNER provided a Preliminary Amendment, in which the Office was requested to "amend the attached new continuation application as follows." This Preliminary Amendment is attached hereto as Exhibit C.

Counsel of record for the '092 Application then proceeded to LEFEVOUR LAW GROUP, LLC of Western Springs, Illinois on 15 March 2006. On 24 March 2006, the Office issued an Office Communication, in which it established a Statutory Double Patenting Rejection, based on the '946 Application, which had, by then, issued as U.S. Patent No. 6,735,701 ("the '701 Patent"). A copy of the 24 March 2006 Office Communication is attached hereto as Exhibit D.

Applicant's current counsel ascended to counsel of record on 12 September 2006. From the time that Applicant's current counsel became counsel of record in the '092 Application until the issuance of the '668 Patent, each time Applicant's current

*incorrectly
filed*
counsel reviewed the Private PAIR system on the Office's Web page, the Image File Wrapper maintained by the PAIR system indicated that the '092 Application maintained a claim for priority, as a Continuation, to the '701 Patent. See, e.g., Bibliographic Data Sheets from 24 March 2006 and 10 October 2006, collectively attached hereto as Exhibit E.

Upon receiving and reviewing the '668 Patent, it was realized that the claim for priority was not indicated on the face of the '668 Patent. Consequently, on 23 October 2007, Applicant requested a Certificate of Correction be entered in the '668 Patent, indicating the claim for priority. A copy of the Certificate of Correction Request is attached hereto as Exhibit F.

This request was denied on 27 December 2007. In the Denial, it was stated that "[a]n amendment containing a specific reference to the earlier filed application has not been submitted nor was such a reference submitted during the pendency of the application." Further, the Office indicated that "[a] grantable petition to accept [an unintentional] claim for benefit of the prior application must be filed, including surcharge 37 CFR 1.17(e). A copy of this Denial is attached hereto as Exhibit G.

Unfortunately, Applicant's counsel of record did not receive the Notice of denial of the Certificate of Correction through the U.S. Postal Service. Rather, upon its regular Six (6) Month status check, which included a search of the PAIR system on the USPTO Web Page, Applicant's counsel of record downloaded the Denial on or around 23 April 2008.

Upon receiving the Denial, Applicant's counsel of record immediately undertook a review of the file history of the '092 Application to determine what exactly occurred,

given the fact that Applicant's counsel of record was not counsel of record throughout the prosecution of the '092 Application. As a result of Applicant's counsel's investigation, it has since come to the attention of Applicant's counsel of record that, although previous counsel of record indicated on the Utility Patent Transmittal Form (Exhibit A), that the '092 Application claims priority, as a Continuation, to what would eventually become the '701 Patent, a specific claim for priority in the '092 Application was unintentionally omitted.

Consequently, Applicant respectfully requests that the above-captioned U.S. Patent be amended to indicate that it is a Continuation Application, claiming priority to U.S. Patent No. 6,735,701. A copy of the '701 Patent is attached hereto as Exhibit H. Additionally, Applicant states that the entire delay between the time the claim for priority was due and today's date (*i.e.*, the date this Petition is filed) is unintentional.

Further, Applicant understands that a surcharge under 37 CFR 1.17(t) is required with this Petition. This Fee may be charged to Deposit Account No. 042223. Further, any other fees relating to this Petition may also be charged to Deposit Account No. 042223.

In re Patent of: Jacobson
Patent No.: 7,231,668

Examiner: N. Wright
Art Unit: 2134

Please contact the undersigned Patentee's Attorney Of Record if there are any questions.

Respectfully submitted,

Date: 22 July 2008

/ Timothy M. Morella /

Timothy M. Morella
Reg. No. 45,277

DYKEMA GOSSETT PLLC
Ten South Wacker Drive
Chicago, Illinois 60606 7453
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312 627 2302 (Facsimile)

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**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,231,668

APPLICATION NO.: 10/815,092

ISSUE DATE : 12 June 2007

INVENTOR(S) : Andrea M. Jacobson

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

The Cover Sheet of the above-referenced U.S. Patent should include a heading entitled:

-- Related U.S. Application Data --.

Further, the following language should be inserted below the aforementioned heading:

-- Continuation of application No. 09/104,946, filed on 25 June 1998, now Pat No. 6,735,701. --.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Timothy M. Morella, Dykema Gossett PLLC, Ten South Wacker Drive, Chicago, Illinois, 60606.7453

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



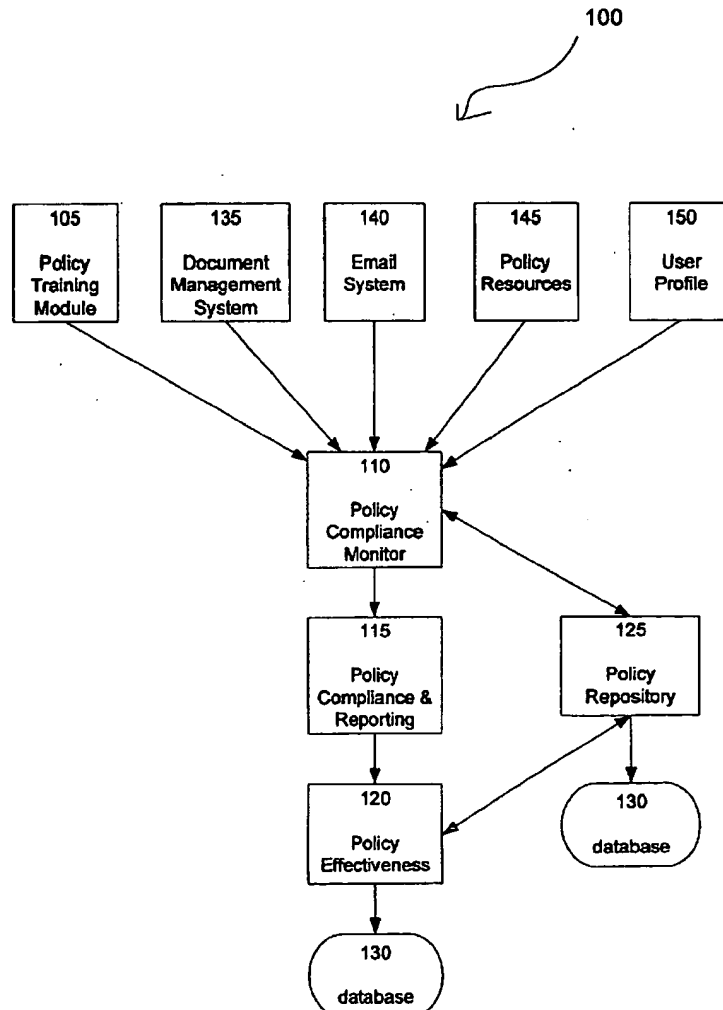
US 20050010820A1

(19) **United States**(12) **Patent Application Publication**
Jacobson(10) **Pub. No.: US 2005/0010820 A1**(43) **Pub. Date: Jan. 13, 2005**(54) **NETWORK POLICY MANAGEMENT AND
EFFECTIVENESS SYSTEM****Publication Classification**(76) **Inventor: Andrea M. Jacobson, St. Paul, MN
(US)**(51) **Int. Cl.⁷ H04L 9/00**(52) **U.S. Cl. 713/201****Correspondence Address:**
Moore, Hansen & Sumner
2900 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402 (US)

(57)

ABSTRACT

A method, apparatus, and article of manufacture for maintaining policy compliance on a computer network is provided. The method provides the steps of electronically monitoring network user compliance with a network security policy stored in a database, electronically evaluating network security policy compliance based on network user compliance, and electronically undertaking a network policy compliance action in response to network security policy compliance.

(21) **Appl. No.: 10/815,092**(22) **Filed: Mar. 31, 2004****Related U.S. Application Data**(63) **Continuation of application No. 09/104,946, filed on
Jun. 25, 1998, now Pat. No. 6,735,701.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-9-07

TO SPE OF : Technology Center 2134

10/815092

SUBJECT : Request for Certificate of Correction on Patent No.: 7231668 B2

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within 7 days to:

Palm location 7580, Certificates of Correction Branch – South Tower – 9A22

If response is for an IFW, return to employee (named below) via PUBSCofC Team in MADRAS.

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Elisha Evans

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ Approved

All changes apply.

☐ Approved in Part

Specify below which changes do not apply.

☒ Denied

State the reasons for denial below.

Comments:

- 1) An amendment containing a specific reference to the earlier filed application has not been submitted nor was such a reference submitted during the pendency of the application.
- 2) A grantable petition to accept an unintentionally delayed claim for benefit of the earlier prior application must be filed, including surcharge 37CFR 1.17(e)

GILBERTO BARRON
SUPERVISORY PATENT EXAMINER

Gilberto Barron Jr
GILBERTO BARRON JR
SUPERVISORY PATENT EXAMINER

2132
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

12/27/07

Patent No. : 7231668 B2
Ser. No. : 10/815092
Inventor(s) : Jacobson
Issued : June 12, 2007
Title : NETWORK POLICY MANAGEMENT AND EFFECTIVENESS SYSTEM
Docket No. : 065426.0002

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent.

An amendment containing a specific reference to the earlier filed application has not been submitted nor was such a reference submitted during the pendency of the application.

A grantable petition to accept on unintentionally claim for benefit of the prior application must be filed, including surcharge 37 CFR 1.17 (e).

In view of the foregoing, your request is hereby **denied**.

Elisha Evans
For Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

DYKEMA GOSSETT PLLC
10 S. WACKER DR., STE. 2300
CHICAGO IL 60606

CBN/eme

(New Nonprovisional Applications Under 37 CFR § 1.53(b))

Atty. Docket No.
M61-002-04-US
Atty. Customer No.
22854

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, Andrea Jacobson, entitled NETWORK POLICY AND MANAGEMENT AND EFFECTIVENESS SYSTEM, for a(n):

(X) Continuing Application (prior application not abandoned):

(X) A statement claiming priority under 35 USC § 120 has been added to the specification.

() Other:

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	1	0	\$9.00	\$ 0.00
Independent Claims	1	0	\$43.00	\$ 0.00
Multiple Dependent Claims (if applicable)		\$0.00		
Basic Filing Fee		\$385.00		
Total Filing Fee		\$ 385.00		

Charge \$ _____ to Deposit Account 13-4300 pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any fees required or credit any overpayment to this Deposit Account.

~~Respectfully submitted,~~

By:

Allen J. Oh
Attorney of Record, Reg. No. 42,047

Date: March 31, 2004

Correspondence Address:

Moore, Hansen & Sumner
2900 Wells Fargo Center 90 South Seventh Street
Minneapolis, MN 55402
Phone: 612-332-8200
Fax: 612-332-1780

I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Commissioner for Patents
Alexandria, V.A. 22313-1450

By:

Typed Name: Nichole Williams

Express Mail Label No.: EL495653023US

Date of Deposit: March 31, 2004

17510 U.S. PTO
10/815092





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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Bib Data Sheet

CONFIRMATION NO. 7333

SERIAL NUMBER 10/815,092	FILING DATE 03/31/2004 RULE	CLASS 726	GROUP ART UNIT 2134	ATTORNEY DOCKET NO.
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APPLICANTS

Andrea M. Jacobson, St. Paul, MN, *✓*

** CONTINUING DATA *****

This application is a CON of 09/104,946 06/25/1998 PAT 6,735,701 *✓*

** FOREIGN APPLICATIONS ***** *NA*

IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY **
 ** 06/10/2004

Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance	STATE OR COUNTRY MN	SHEETS DRAWING 51	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
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Verified and Acknowledged *✓* Examiner's Signature Initials

ADDRESS
 50717
 LEFEVOUR LAW GROUP, LLC
 4365 LAWN AVE
 SUITE 5
 WESTERN SPRINGS , IL
 60558

TITLE
 Network policy management and effectiveness system

FILING FEE RECEIVED 385	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue)
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UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
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 Alexandria, Virginia 22313-1450
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Bib Data Sheet

CONFIRMATION NO. 7333

SERIAL NUMBER 10/815,092	FILING OR 371(c) DATE 03/31/2004 RULE	CLASS 726	GROUP ART UNIT 2134	ATTORNEY DOCKET NO. 065426.0002	
APPLICANTS Andrea M. Jacobson, St. Paul, MN; ** CONTINUING DATA ***** This application is a CON of 09/104,946 06/25/1998 PAT 6,735,701 ** FOREIGN APPLICATIONS ***** IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY ** ** 06/10/2004					
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged _____ Examiner's Signature Initials		STATE OR COUNTRY MN	SHEETS DRAWING 51	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS 50717					
TITLE Network policy management and effectiveness system					
FILING FEE RECEIVED 385	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

Continuity/Reexam Information for 10/815092

Parent Data

No Parent Data

Child Data

11743590, filed on 05/02/2007 is a continuation of 10815092, filed on 03/31/2004

Appln Info

Contents

Petition Info

Atty/Agent Info

Continuity/Reexam

Foreign Data

Search Another: Application #

Search

or Patent#

Search

PCT / /

Search

or PG PUBS #

Search

Attorney Docket #

Search

Bar Code #

Search

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BIBDATASHEET

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APPLICANTS Andrea M. Jacobson, St. Paul, MN; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS ***** IF REQUIRED, FOREIGN FILING LICENSE GRANTED** SMALL ENTITY ** ** 06/10/2004					
Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged _____ Examiner's Signature _____ Initials _____		STATE OR COUNTRY MN	SHEETS DRAWING 51	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS 50717					
TITLE NETWORK POLICY MANAGEMENT AND EFFECTIVENESS SYSTEM					
FILING FEE RECEIVED 385	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		



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Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after met Allowance Verified and Acknowledged _____ Examiner's Signature Initials		STATE OR COUNTRY MN	SHEETS DRAWING 51	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS 38939					
TITLE NETWORK POLICY MANAGEMENT AND EFFECTIVENESS SYSTEM					
FILING FEE RECEIVED 685	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: Jacobson

Patent No.: 7,231,668

Application No. 10/815,092

Issued: 12 June 2007

Title: NETWORK POLICY MANAGEMENT AND
EFFECTIVENESS SYSTEM

Attorney Ref. No.: 065426.0002

Examiner: N. Wright

Art Unit: 2134

CERTIFICATE OF CORRECTION

Commissioner of Patents
Post Office Box 1450
Alexandria, Virginia 22313 1450

Dear Sir:

Upon a review of the above-referenced U.S. Patent, it was determined that at least one mistake was made during the printing of the Patent by the U.S. Patent and Trademark Office. The mistake listed herein was made by the Office and through no fault of the Patentee. Therefore, it is believed that no fees are required. Please contact the undersigned Patentee's Attorney Of Record if there are any questions.

Pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322, request is made to correct the Patent Cover Sheet of Issued U.S. Patent No. 7,231,668, which issued on 12 June 2007.

As set forth in the attached PTO Form PTO-1050, the following corrections are requested:

- The Patent Cover Sheet should include a heading entitled "Related U.S. Application Data";
- Under this heading, the following statement should be inserted: --
Continuation of application No. 09/104,946, filed on June 25, 1998, now Pat. No. 6,735,701. --.

In support of this Request, enclosed is a copy of the U.S. Patent Publication document relating to the above-referenced Patent, bearing the above-cited information under the heading "Related U.S. Application Data."

Please correct the Cover Sheet of the Patent and forward a copy to my attention.

Respectfully submitted,

Date: 23 October 2007

/ Timothy M. Morella /

Timothy M. Morella
Reg. No. 45,277

DYKEMA GOSSETT PLLC
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312 627 2302 (Facsimile)

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